

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:18-CR-18-01

v.

HON. ROBERT J. JONKER

BETHANY MICHELLE GOLLINGER,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law. Based on this, and on the Court's review of all matters of record, including the tape recording of the plea proceedings,¹ **IT IS ORDERED** that:

1. The Report and Recommendation of the Magistrate Judge (ECF No. 66) is approved and adopted as the opinion of the Court.
2. Defendant's plea of guilty is accepted and defendant is adjudicated guilty of the charge set forth in the Superseding Felony Information.
3. The written plea agreement is hereby continued under advisement pending sentencing.

¹ The Court relies on the factual basis developed during the plea colloquy. The factual basis described in the written Plea Agreement appears to be carried forward from the factual basis included in the original Plea Agreement that contemplated a plea to a felony assault under 18 U.S.C. § 113(a)(7). The information may be part of the overall consideration of a factual basis for the assimilated state law charge of felony child abuse (3d degree), but standing alone it would not address all the required elements of the offense at issue in the new Plea Agreement.

4. Defendant shall remain on bond pending sentencing on July 23, 2019. In the Court's view, the offense of conviction does not qualify as a mandatory remand offense because it does not carry a potential penalty of "10 years or more," and may not qualify as a "crime of violence" in any event. 18 U.S.C. §§ 3142(f)(1)(a), 343(a)(2), 3156(a)(4).

Dated: April 8, 2019

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE